

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DAVID GOLDSTEIN,

Plaintiff,

v.

Civil Action No. 3:17CV618

HAROLD CLARKE, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on September 25, 2017, the Court conditionally docketed Plaintiff's action. At that time, the Court directed Plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned Plaintiff that a failure to comply with the above directive within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Plaintiff has not complied with the Court's order to return a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a).¹ Plaintiff's conduct demonstrates a willful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 11/20/17
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
United States District Judge

¹ On October 2, 2017, the Court received a letter from Plaintiff asking the Court "to send this bill for [\$]350.00 to Mr. Alan Greenfield." (Letter 1, ECF No. 5 (capitalization corrected).) Plaintiff, not the Court, is responsible for arranging for payment of the full \$350.00 filing fee plus the \$50 administrative fee for filing this action. To the extent Plaintiff wishes to have someone other than himself submit the full filing fee, he should submit a new complaint accompanied by the required \$400.